

**CONDITIONS UNDER WHICH A PERSON IS ELIGIBLE FOR  
A WIDOW(ER)/SURVIVING DIVORCED SPOUSE BENEFIT**

**A. REQUIREMENTS:**

Employee has at least 120 months of creditable railroad service and a current connection with the railroad industry.

1. A widow(er)/surviving divorced spouse benefit can begin at age 60 and is subject to an age reduction of 19/40 of 1% for each month of entitlement between age 60 and 65. Under the Railroad Retirement Act (RRA), a widow(er) between the ages of 60 and 62 is deemed to be age 62 on the date of entitlement, regardless of actual age. As a result, a widow(er) can receive a maximum 36 month age reduction.

2. Remarried widow(er)s/surviving divorced spouses qualify for a Tier 1 if remarriage is after age 60 or if remarriage ends prior to filing application.

3. Ages 50-59 if widow(er) is permanently and totally disabled. Disability must have begun within seven years after the employee's death or termination of an annuity based on caring for a child of the deceased employee.

4. Any age if the widow(er) is caring for a child of the deceased employee under age 18 or a disabled child of any age who became disabled before age 22.

**B. WHEN A WIDOW(ER)/SURVIVING DIVORCED SPOUSE IS NOT PAYABLE**

1. The annuity is not payable for any month the widow(er)/surviving divorced spouse works for an employer covered by the RRA.

2. An annuity is not payable to a widow(er)/surviving divorced spouse who waived future annuity eligibility to permit payment of the Residual Lump Sum to eligible person(s).

**C. WHEN A SURVIVOR PAYMENT STOPS**

1. Payment stops upon death of the beneficiary. No annuity is payable for the month of death.

2. If receiving benefits based on a child in care, payment stops when the child turns 18 (16 for young remarried widow(er) and young surviving divorced spouse) or when the child recovers from the disability.

3. If receiving benefits based on disability, payment stops upon recovery from the disability if before age 60. (Disability can be reinstated if it recurs within seven years.)

4. Remarriage will reduce a widow(er)'s annuity rate and in some cases, prevent the payment of benefits.

5. The widow(er)/surviving divorced spouse becomes entitled to another monthly annuity under the RRA which is greater than the widow(er)'s annuity.

## **CONDITIONS UNDER WHICH A PERSON IS ELIGIBLE FOR A LUMP SUM DEATH PAYMENT**

A Lump Sum Death Payment (LSDP) is payable upon the death of an employee who has at least 120 months of creditable railroad service and a current connection with the railroad industry. There must be no surviving widow(er), child or parent eligible for an annuity for the month in which the employee died. The LSDP is first payable to the living with widow. If there is no living with widow, the LSDP is payable to the funeral home for any unpaid burial expenses of the employee. Otherwise, the LSDP is payable to the person(s) equitably entitled to reimbursement for any burial expenses of the employee.

**NOTE: IF THE EMPLOYEE ACQUIRES HIS 120TH MONTH OF CREDITABLE RAILROAD SERVICE AFTER DECEMBER 1974, THE MAXIMUM LSDP AMOUNT IS \$255.00 PAYABLE ONLY TO A LIVING WITH WIDOW(ER).**

If upon payment of the LSDP there are still annuities due but unpaid at death, those benefits would be paid in the following order of priority:

- Living with widow(er).
- Person(s) who paid the employee's burial expenses, but only to the extent not reimbursed from other sources.
- Children of the employee.
- Grandchildren of the employee.
- Parents of the employee.
- Brothers and sisters of the employee. (Stepbrothers and stepsisters cannot qualify for annuities unpaid on the basis of relationship.)

The application for the LSDP must be filed no later than the second anniversary of the employee's death.

## **CONDITIONS UNDER WHICH A PERSON IS ELIGIBLE FOR A RESIDUAL LUMP SUM**

Only employees who have creditable railroad service prior to 1975 can have a Residual Lump Sum (RLS).

A RLS is payable when all the following conditions exist:

- Gross RLS amount exceeds the total benefits paid out.
- No benefits are currently payable.
- No benefits are potentially payable.

A RLS is paid in the following order of precedence:

- Designated beneficiaries (AA-11a).
- Widow(er) if living with the employee at the time of death.
- Children of the deceased employee.
- Grandchildren of the deceased employee.
- Parent(s) of the deceased employee.
- Brothers and sisters of the deceased employee.
- Employee's estate.

**NOTE: ELECTION OF A RLS PAYMENT FORFEITS ALL FUTURE MONTHLY BENEFITS.**